INTERNATIONAL SEABED AUTHORITY

Assembly

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INTERNATIONAL SEABED AUTHORITY
Fourth session
Kingston
16-27 March 1998

STATEMENT OF THE PRESIDENT ON THE WORK OF THE ASSEMBLY DURING THE FOURTH SESSION

1. The first part of the fourth session of the Assembly of the International Seabed Authority was held at Kingston, Jamaica, from 16 to 27 March 1998.

Adoption of the agenda

2. At its 50th meeting, on 16 March 1998, the Assembly adopted the agenda for the fourth session (ISBA/4/A/3). The outgoing President, Mr. S. Amos Wako (Kenya), noting that only 25 States members of the Authority had paid assessed contributions for 1998, made an urgent appeal to member States for prompt payment of their assessed contributions to the administrative budget of the Authority, so that the Authority could realize the objectives it had set for itself in 1998.

Election of the President and Vice-Presidents of the Assembly

3. At the 51st meeting, on 17 March 1998, Mr. Tadeusz Bachleda-Curus (Poland) was elected President of the Assembly for 1998. Subsequently, following consultations in the regional groups, the representatives of Mexico (Latin American and Caribbean Group), Senegal (African Group), Kuwait (Asian Group) and the Netherlands (Western European and Others Group) were elected as Vice-Presidents.

Election to fill a vacancy on the Finance Committee

4. Also at the 51st meeting, the Assembly was informed that Ms. Samia Ladgham (Tunisia) had ceased to be a member of the Finance Committee with effect from 15 December 1997. Noting that section 9, paragraph 5, of the annex to the

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* Reissued for technical reasons.

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Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea provides that in the event of the death, incapacity or resignation of a member of the Finance Committee prior to the expiration of the term of office, the Assembly shall elect for the remainder of the term a member from the same geographical region or group of States, the Assembly elected Mr. Walid Doudech (Tunisia) as a member of the Finance Committee for the remainder of Ms. Ladgham's five-year term expiring on 31 December 2001.

Appointment of the Credentials Committee

5. At the 52nd meeting, on 24 March 1998, the Assembly elected a Credentials Committee in accordance with rule 24 of the Rules of Procedure. The following were elected as members of the Credentials Committee: Austria, Bahamas, Belgium, China, Costa Rica, Czech Republic, Gabon, Japan and Kenya. Subsequently, Mr. Martin Weiss (Austria) was elected by the Committee as its Chairman. The report of the Credentials Committee (ISBA/4/A/4) was considered by the Assembly at its 54th meeting on 26 March 1998 and approved (ISBA/4/A/7).

Election to fill the vacancies on the Council in accordance with article 161, paragraph 3, of the Convention

6. Following consultations within the interest and regional groups, the Assembly, at its 53rd meeting, on 25 March 1998, in order to harmonize the terms of office of members of the Council with the calendar year, decided that the terms of office of those members of the Council elected in 1998 would commence on 1 January 1999 and continue for a period of four calendar years and that the terms of office of those members of the Council elected in 1996 for a two-year term would end on 31 December 1998, while the terms of office of those members elected in 1996 for a four-year term would end on 31 December 2000 (ISBA/4/A/5).

7. Immediately after the Assembly adopted the decision contained in ISBA/4/A/5, the President of the Assembly stated that the decision that the Assembly had just taken did not in any way affect arrangements reached in the interest and regional groups regarding any of the seats on the Council. Those arrangements include those reached in 1996 as well as those reached at the current session.

8. The coordinator of the Group of Latin American and Caribbean States, on behalf of the Group, expressed reservations with regard to this type of solution as the Group believed that it had various consequences and juridical implications which the Group felt should not be ignored. In his statement the coordinator of the Group requested that the following statement be recorded:

> "The Group of Latin American and Caribbean countries, traditionally mindful of complying with the rules, are confident that this decision, while serving this exceptional case, will not be transformed into a precedent which could be invoked in future deliberations and that it should only be a means of resolving a current practical difficulty."

9. At its 54th meeting, on 26 March 1998, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea, the

Assembly elected the following 18 States as members of the Council for a term of four years each, subject to the understandings reached in the interest and regional groups set out in ISBA/4/A/6:

Group A: Russian Federation, United States of America

Group B: Germany, Netherlands

Group C: Canada, Chile

Group D: Egypt, Fiji, Jamaica

Group E: Austria, Cameroon, Costa Rica, Nigeria, Pakistan, Paraguay, Republic of Korea, Saudi Arabia, Tunisia

Protocol on the Privileges and Immunities of the International Seabed Authority

10. At the 54th meeting, on 26 March 1998, the Assembly received a report from the Chairman of the Working Group on the Protocol on the Privileges and Immunities of the International Seabed Authority, Mr. Zdzislaw Galicki (Poland). The Chairman recalled that the Working Group had been established during the resumed third session of the Authority in 1997 and, at the end of that session, had produced a revised draft protocol in the form of an informal working paper. He informed the Assembly that, during the current session, the Working Group had completed its consideration of the text and was now in a position to propose a final draft to the Assembly for adoption (ISBA/4/A/L.2).

11. It was noted that, following consultations between the Secretariat of the Authority and the Treaty Section of the Office of Legal Affairs of the United Nations, in order to facilitate signature of the Protocol by member States, the Protocol would be opened for signature at the headquarters of the Authority from 17 to 28 August 1998 and subsequently until 16 August 2000 at the United Nations Headquarters in New York.

12. Following the report of the Chairman of the Working Group, some delegations stated that they had differing views with respect to the content and coverage of the Protocol, its consistency with similar instruments, and the necessity and urgency to develop the Protocol at the current stage in view of the fact that the Headquarters Agreement had not been finalized. It was noted, however, that these matters had been fully discussed in the Working Group and that there was no impediment to the adoption of the Protocol before the conclusion of the Headquarters Agreement.

13. The Protocol on the Privileges and Immunities of the International Seabed Authority was adopted by consensus at the 54th meeting of the Assembly, on 26 March 1998 (ISBA/4/A/8). Following the adoption of the Protocol, the representatives of Argentina and Mexico made statements regarding the position of their countries in relation to this and similar protocols.

Draft agreement between the International Seabed Authority and the Government of Jamaica concerning the headquarters of the International Seabed Authority

14. At the 51st meeting, on 17 March 1998, the Secretary-General informed the Assembly that he had received a letter containing an offer from the Government of Jamaica regarding the permanent headquarters of the Authority. The text of the letter from the Government of Jamaica appears in the annex to the present document.

15. Noting that clarifications would have to be obtained from the Government of Jamaica with respect to the terms and conditions of the offer, the Secretary-General informed the Assembly that the matter would be referred to the Finance Committee with a view to seeking its guidance. A report, including the cost implications for the Authority, would be prepared by the Secretariat prior to the resumed fourth session.

Requests for observer status

16. At its 52nd meeting, on 24 March 1998, on the basis of a request submitted by the Permanent Commission of the South Pacific, the Assembly granted observer status under rule 82, paragraph 1 (d), of its Rules of Procedure to the Permanent Commission of the South Pacific, a subregional intergovernmental organization established in 1952.

17. The Assembly also noted that a request for observer status had been submitted by Word of Life Ministries International, a church-based non-governmental organization. The Assembly deferred consideration of that request in order to seek further information about the organization concerned.

Next meeting of the Assembly

18. The next meeting of the Assembly will take place in Kingston from 17 to 28 August 1998.

Annex

LETTER DATED 10 MARCH 1998 FROM THE MINISTER OF FOREIGN AFFAIRS AND FOREIGN TRADE OF JAMAICA TO THE SECRETARY-GENERAL OF THE INTERNATIONAL SEABED AUTHORITY

I have the honour to inform you that the Government of Jamaica has decided to offer the building located at Block 11, No. 14-16 Port Royal Street, Kingston, for the permanent use and occupation as the seat and headquarters of the International Seabed Authority.

The building will be made available to the International Seabed Authority on a rent-free basis.

Steps will be taken to have the premises vacated on a timely basis so as to enable the Authority to have full use and occupation of the premises as are required for its purposes from time to time.

The Government will undertake a certain amount of refurbishing to the building in order to improve its conditions.

The Authority will be responsible for all the costs associated with the maintenance of the building.

As contemplated by the draft Headquarters Agreement, the terms and conditions referred to above will be incorporated in a Supplementary Agreement between the Government of Jamaica and the International Seabed Authority.

Separate arrangements will continue in respect of the use of the Conference facilities.

(Signed) Seymour MULLINGS
Minister of Foreign Affairs
and Foreign Trade